

AGENDA TITLE: Adopt Resolution in Support of Measure C Allowing North San Joaquin Water

Conservation District to Impose and Collect Groundwater Charge

**MEETING DATE:** May 19,2010

PREPARED BY: Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution in support of Measure C allowing

North San Joaquin Water Conservation District to impose and

collect a groundwater charge.

**BACKGROUND INFORMATION:** The City received the attached letter from the "Yes on C Committee"

seeking support from the City Council regarding Measure C, which is on the June 8, 2010 ballot. The Measure would allow the

North San Joaquin Water Conservation District (District) to once

again go through the process to establish a groundwater charge in support of projects and programs to help sustain the groundwater basin. The attached letter (Exhibit A) and fact sheet (Exhibit B) provide additional background information.

In 2007, the District adopted a groundwater charge that was subsequently overturned by Measure V in 2008. The City's portion of the groundwater charge was approximately \$200,000 per year. The District is now required to submit the matter of a groundwater charge to the voters. Measure C will repeal Section 2 of Measure V and, thereby, reinstate the District's right to adopt a charge in the future.

City Council representatives and staff have worked with the District directly, through the Groundwater Banking Authority and other entities, for many years and recognize the limited financial resources available to the District. Their District's only firm source of revenue is a share of property tax, roughly \$240,000 per year.

The overdraft condition of the groundwater basin is well-established and computer model projections indicate continued lowering of groundwater levels particularly east and southeast of Lodi. Given that Lodi's pumping is part of this overdraft, and lowered groundwater levels will adversely affect Lodi, staff supports the District's efforts to maintain its limited water right and the need to put its full allocation to beneficial use. When the City's surface water treatment plant is operational and using our contracted Woodbridge Irrigation District water, the City could consider using the District surface water should a need exist and if terms were favorable.

**FISCAL IMPACT:** If Measure C passes, a new groundwater charge would need to be

budgeted in the Water Utility. The previous charge was \$200,000 and the

new charge may be the same.

**FUNDING AVAILABLE:** Not applicable.

F. Wally Sandelin

Public Works Director

FWS/pmf Attachments

APPROVED:

Konradt Bartlam, Interim City Manager

# Yes on C

### **Get Facts, not Fiction**

# www.voteyesC.com

May 4,2010

Lodi City Council 221 W. Pine Street Lodi, **CA** 95241-1910

Subject: Measure C support

Passage of Measure C, on the June 8,2010 ballot is vital to local efforts to help stabilize and restore our overdrafted groundwater basin. Local cities, including Lodi, have made great efforts in reducing their reliance on groundwater and local water districts have also joined in this effort. However, continuation of these efforts requires adequate funding to build infrastructure and operate systems to capture surface water when it is available. The North San Joaquin Water Conservation District, which covers the northeastern part of San Joaquin County, including much of the City of Lodi, was severely hampered by passage of Measure V in 2008 which required a general election on future groundwater charges. Measure C would allow the District to collect a groundwater charge in accordance with the State Constitution and the Water Code.

Key to this debate is who should pay for efforts to restore the groundwater basin. The Yes on C committee believes that those who pump groundwater should participate in this cost. And that is most efficiently done through a charge based on the amount of groundwater being pumped as estimated by land use  $\overline{\phantom{a}}$  not on a property tax or on some other general tax that would have to be approved by those with only indirect cost or benefit.

In 2007 when the District adopted the groundwater charge which ultimately led to Measure **V**, the Lodi City Council considered this matter. Since the City of Lodi is a major groundwater pumper within the District, the groundwater charge was to be imposed on the City. The Council voted to support the charge.

Now, in 2010, the Yes on C committee, which is a grassroots effort on the part of local agriculturalists and residents concerned about the sustainability of our water supply for future generations, is asking the City to again affirm **its** support **of** the District's efforts to restore a groundwater charge and help do its part in restoring the basin. The attached fact sheet provides additional information.

Respectfully,

Yes on C Committee

Charlie Starr

# **YES ON MEASURE C**

# **Keep Local Control & Save Our Groundwater**

### What is Measure C?

Measure C does not impose a groundwater charge; it repeals Section 2 of Measure V to re-instate the North San Joaquin Water Conservations District's right to adopt a charge in the future. If Measure C is passed, the district will have the opportunity to choose the method of a new charge, following the California Constitution and the Water Code. Measure C goes to vote on June 8, 2010.

Formal description: Shall Section 2 of the Initiative adopted by Measure V be repealed to allow NSJWCD to impose and collect a groundwater charge as described in Water Code section 75500 et seq. beginning in the fiscal year following the adoption of this measure, and in future years? In adopting a groundwater charge, NSJWCD will comply with all applicable CA State Laws.

## Why Support Measure C

### Keep control of our groundwater local

- Allow the District and local water users (City of Lodi, rural well owners, etc) the right to choose how to solve our groundwater overdraft instead of the State or some regional agency.
- Without action, the district risks losing local control to the State Water Resources Control Board and/or another district. This will certainly come at a higher cost and with less local input.

### Rebuild, repair and extend wet-year water distribution system

Efficiently deliver surface water for irrigation and groundwater recharge

### Retain our surface water allocation on the Mokelumne River: 20,000 acre feet!

- The District must show State Water Resources Control Board the ability and capacity to use our allocation—or they will reduce our water allocation in the future.
- How much water? 20,000 acre feet is <u>MORE WATER</u> than the <u>ENTIRE CITY OF LODI USES</u> in a <u>WHOLE YEAR!</u> (<a href="http://www.lodi.gov/public\_works/pdf/Water\_Quality\_Report2009.pdf">http://www.lodi.gov/public\_works/pdf/Water\_Quality\_Report2009.pdf</a>)

### Alleviate and help replenish the declining groundwater levels

- The more surface water used for irrigation, the less is pumped out of the ground
- Use surplus surface water for groundwater recharge
- Groundwater levels have been rapidly declining for decades. While annual amounts vary, long term declines are as much as **1.5 feet per year** within the District. (http://www.gbawater.org/studies\_projects/project\_details.html)

### Preserve our groundwater supply for area communities: City of Lodi, Lockeford, & rural areas

Put our available and allocated water to its best beneficial use now & preserve groundwater for future generations!

### The Past

In 2007, the NSJWCD Board of Directors did not first provide ample background information to the public on why the charge was needed before they adopted the groundwater charge. Although the board followed proper procedure to adopt this charge, more transparency of the process and educational information should have been provided.

Measure V passed in November 2008. It currently prohibits NSJWCD from imposing and collecting future groundwater charges until the District submits the matter to the voters. Significant time, energy, and money have been spent surrounding Measure V and to still retain local control of our water allocations. These resources could have been used to improve our District's water distribution system and recharge projects to help preserve our precious groundwater resources.

# **The Future**

The NSJWCD has a plan for improving the infrastructure and ultimately our groundwater basin once Measure C has passed and if a revenue stream is re-established through a groundwater charge. Priority projects include:

- Repair north and south water distribution systems to serve more surface water customers
- Repair dam in Bear Creek and fill with wet year water
- Build new pumping stations on north and south side near Camanche
- Divert wet year water to Bear, Gill and Coyote creeks for delivery to service surface water customers & recharge

This information provided by Yes On C

www.voteyesc.com

# **YES ON MEASURE C**

# **Keep Local Control & Save Our Groundwater**

### **Next Steps**

- Engage the new NSJWCD Board (3 new members since the passage of Measure V) and hold the Board accountable for what they plan to do with funds collected from future groundwater charges and how they plan to improve the condition of our groundwater basin.
- Resist efforts that simply impede good planning, <u>rational decisions</u>, and positive actions.
- Remember that we are investing in the water that sustains all of us! We can leverage that investment by working together. VOTE YES ON MEASURE C!

## **Frequently Asked Questions**

### Q: What other local water districts have groundwater charges?

A: Many water districts have groundwater charges. Some examples as of April 2010:

- Woodbridge Irrigation District collects a ground water assessment of \$2/acre per year in the Lodi area, regardless of your water use; and a \$5/acre annual "stand-by" fee for property accessible by WID water infrastructure.
- Stockton East Water District 2010 water year rates are \$4.58/acre foot for agricultural groundwater use, and \$37.50 per year for rural domestic unit (rural home with no agricultural irrigation needs)
- **NSJWCD most recent charges were CHEAPER**: \$4.28 per acre foot for agriculture groundwater use, \$21.40/yr for a house on one acre, and \$11.70/yr for a house and a well on a small lot. Non-irrigated pasture land is charged nothing!

### Q: Does the NSJWCD give away surface irrigation water for free? Give or sell water to Stockton?

**A:** Absolutely NOT! All recipients pay for using NSJWCD irrigation water. It has not sold water to the City of Stockton and has formally voted not to do so. (Source: NSJWCD Meeting Minutes 1/11/2010)

### Q: If Measure C passes, does that mean I will have a water meter on my house and/or my well pump?

**A:** A 2004 State Law requires all cities in California to meter water use. (AB 2572 and Water Code §526). Residents of the City of Lodi have **already** received notice that Lodi will be launching a water meter program (www.lodi.gov/meters). This is state law and has nothing to do with NSJWCD. Outside of city limits, water meters are not required. The current system of charging per acre foot for crop type and a domestic unit flat charge is an appropriate method. Some water districts (for example, Stockton East Water District) allow a well owner to install a meter to prove the use is lower than what the district based its charges. It is far more likely that the State will one day require meter installation if local water Districts cannot show due diligence in improving the overdraft of our groundwater basin.

### Q: What has the NSJWCD accomplished in the past 60 years?

**A:** Many accomplishments! To name a few, it has constructed two pumping stations and over 11 miles of distribution system, served area farmers with thousands of acre feet of surface water so they didn't pump from the ground, fought for larger, permanent water rights, installed fish screens on north and south pumping systems, & has successfully implemented the Hammer and Cal-Fed groundwater recharge projects, with another one on the books. Note that the NSJWCD applied for & acquired \$500,000 of funding from a Cal-Fed grant to establish the Cal-Fed recharge project, not from local groundwater pump charges!

# Q: How severe is the groundwater basin overdraft?

**A:** It is very severe. It is estimated that we are annually pumping 150,000 acre feet of water in excess of what can be replenished naturally. (Source: Eastern San Joaquin Basin Integrated Water Mgt Plan EIR) We must do our part in preserving and replenishing our groundwater basin by responsibly using as much available surface water as we can.

#### Q: What happens if Measure C does NOT pass?

A: If Measure C does not pass, the District's hands will be tied. Only basic operations and minimal repairs would be made with current funding. Projects will not move forward, farmers will not receive more surface water, falling groundwater levels will not be alleviated, and the District would not be able to show the State due diligence in using its current 20,000 acre-foot allocation. The District would likely lose local control & lose the opportunity to use our water allocation within the district.

WE MUST DO OUR PART TO PRESERVE OUR GROUNDWATER FOR OUR FARMERS, CITIES AND RURAL COMMUNITIES PLEASE VOTE YES ON MEASURE C!

This information provided by Yes On C <u>www.voteyesc.com</u>

### RESOLUTION NO. 2010-68

# A RESOLUTION OF THE LODI CITY COUNCIL IN SUPPORT OF MEASURE C ALLOWING NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT TO IMPOSE AND COLLECT **GROUNDWATER CHARGE**

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WHEREAS, the City received a letter from the "Yes on C" Committee seeking support from the City Council regarding Measure C, which is on the June 8, 2010, ballot. The Measure would allow the North San Joaquin Water Conservation District (District) to once again go through the process to establish a groundwater charge in support of projects and programs to help sustain the groundwater basin; and

WHEREAS, in 2007, the District adopted a groundwater charge that was subsequently overturned by Measure V in 2008, and the District is now required to submit the matter of a groundwater charge to the voters. Measure C would repeal Section 2 of Measure V and, thereby, reinstate the District's right to adopt a charge in the future; and

WHEREAS, City Council representatives and staff have worked with the District directly, through the Groundwater Banking Authority and other entities, for many years and recognize the limited financial resources available to the District; and

WHEREAS, the overdraft condition of the groundwater basin is well-established and computer model projections indicate continued lowering of groundwater levels particularly east and southeast of Lodi. Given that Lodi's pumping is part of this overdraft and lowered groundwater levels will adversely affect Lodi, staff supports the District's efforts to maintain its limited water right and the need to put its full allocation to beneficial use.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby support Measure C allowing North San Joaquin Water Conservation District to impose and collect a groundwater charge.

May 19, 2010 Dated:

\_\_\_\_\_\_\_\_

I hereby certify that Resolution No. 2010-68 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2010, by the following vote:

AYFS:

COUNCIL MEMBERS - Hansen, Hitchcock, Johnson, Mounce, and

Mayor Katzakian

NOES:

COUNCIL MEMBERS - None

ABSENT:

COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

City Clerk

2010-68

The City of Lodi
Public Works
Engineering

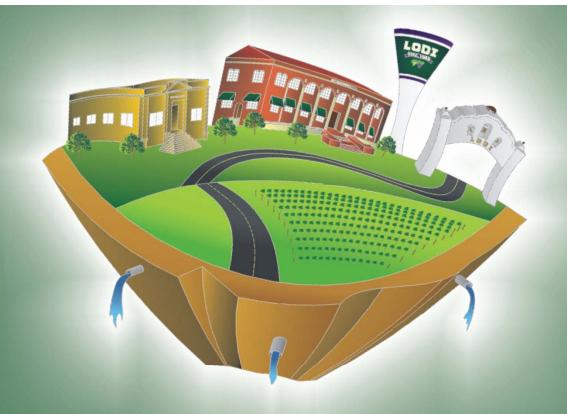


Agenda Item J-02 Measure C



# Background

- 2007 NSJWCD approved groundwater charge
- 2008 Voters approved Measure V and overturned the groundwater charge
- 2010 Measure C restores NSJWCD right to adopt groundwater charge in future
- Impact to utility \$200,000 per year



Questions?

Bryan Pilkington 13100 Victor Road Lockeford, CA. 95237

May 19,2010

Phil Katzakian, Susan Hitchcock, Bob Johnson, JoAnne Mounce & Larry D. Hansen Lodi City Council Carnegie Forum 305 West Pine Lodi, California

RE: Citizens of Lodi Right to Vote on Water Issues

Dear Council Members,

I have walked the streets of Lodi for just a few days and met very angry and upset people. The people of Lodi are confused and don't understand why the June 8th Ballot doesn't state anything about Measure C changing the voting procedures for the Water District. The people don't know that if they Vote Yes on C it may be their last chance to vote on any issues before the North San Joaquin Water District, (NSJWCD). The people are **confused** by the false information of the Yes Campaign, that Measure C is not a "Tax on Water", but an assessment for which the people of **Lodi** receives no water and no benefit.

The Stockton Water Districts benefit from Duck Creek Reservoir, Within the border of the NSJWCD, that **only** supplies the Stockton Water District.

Brad Lange and friends benefit from filling their private "Tracy Lake" With 40% of the Districts Mokelumne River Water and Water Rights.

One hundred percent, 100%, of the people in Lodi want to keep their right to vote on water issues. Almost everyone we spoke with, signed the petition to keep their right to vote and are opposed to this (assessment) water tax.

Attached are almost two hundred signatures from people of Lodi who know about Measure C and are opposed to the water tax.

The people of Lodi want their right to vote and are opposed to a water tax. The people of Lodi are asking the City Council to oppose a water tax and to oppose Measure C because of the hidden agenda to take away the voting rights on water issues.

Please oppose Measure C.

Bryan Pilkington

May 7, 2010

Phil Katzakian, Susan Hitchcock, Bob Johnson, JoAnne Mounce & Larry D. Hansen Lodi City Council Carnegie Forum 305 West Pine Lodi, California

RE: Citizens of Lodi Right to Vote on Water Issues

Dear City Council Members,

We the citizens of Lodi are opposed to Measure C taking away our "Right to Vote" on water issues related to the use of the Mokelumne River Water that supplies Lodi Lake

On May 3, 2010 the North San Joayuin Water District approved a resolution to weigh voting ballots with the passage of Measure C, that would take away our "Right to Vote" on water issues related to the Mokehume River Water that supplies Lodi Lake.

We citizens of Lodi pay a Water Tax of \$200,000 00 a year to the North San Joaquin Water District We want the "Right to Vote" on how our Tax Dollars are spent. We want the "Right to Vote" on water issues related to the use of the Mokelumne River Water that supplies Lodi Lake.

We are asking the Lodi City Council to withdraw support for Measure C that "Takes Away Our **Right** to Vote on Water Issues".

We the undersigned Lodi Citizens do not support the North San Joaquin Water District's Measure C that takes away our "Right to Vote" on water issues related to the Mokelumne River Water that supplies Lodi Lake.

Sincerely,

The Citizens of Lodi

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Lodi, CA, 95240 18700 Kettleman Lane C/O Dale Carver Citizens of Lodi

May 7, 2010

Lodi City Council Phil Katzakian, Susan Hitchcock, Bob Johnson, Johnne Mounce & Larry D. Hansen

305 West Pine Carnegie Forum

Lodi, California

RE: Citizens of Lodi Right to Vote on Water Issues

Dear City Council Members,

related to the use of the Mokelumne River Water that supplies Lodi Lake. We the citizens of Lodi are opposed to Measure C taking away our "Right to Vote" on water issues

Mokelunne River Water that supplies Lodi Lake. with the passage of Measure C, that would take away our "Right to Vote" on water issues related to the On May 3, 2010 the North San Joaquin Water District approved a resolution to weigh voting ballots

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Right to Vote on Water Issues". We are asking the Lodi City Council to withdraw support for Measure C that "Takes Away Our

Lodi Lake. that takes away our "Right to Vote" on water issues related to the Mokelumne River Water that supplies We the undersigned Lodi Citizens do not support the North San loaquin Water District's Measure C

Sincerely,

The Citizens of Lodi

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Dear City Council Members,

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On May 3, 2010 the North San Joaquin Water District approved a resolution to weigh voting ballots with the passage of Measure C, that would take away our "Right to Vote" on water issues related to the Mokelumne River Water that supplies Lodi Lake.

We citizens of Lodi pay a Water 'Taxof \$200,000.00 a year to the North San Joaquin Water District. We want the "Right to Vote" on how our Tax Dollars are spent. We want the "Right to Vote" on water issues related to the use of the Mokelumne River Water that supplies Lodi Lake.

We are asking the Lodi City Council to withdraw support for Measure C that "Takes Away Our Right to Vote on Water Issues".

We the undersigned Lodi Citizens do not support the North San Joaquin Water District's Measure C that takes away our "Right to Vote" on water issues related to the Mokelumne River Water that supplies Lodi Lake.

Sincerely,

**The**Citizens of Lodi

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Sincerely,

The Citizens of Lodi

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